

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JEFFERY BAKER, JR.,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 2:06cv61-ID
)	(WO)
RUSSELL THOMAS, SHERIFF, <i>et al.</i> ,)	
)	
Respondents.)	

ORDER

On May 4, 2006, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. No. 26.) Upon an independent review of the file in this case and upon CONSIDERATION of the Recommendation of the Magistrate Judge, it is ORDERED as follows:

(1) Said Recommendation be and the same is hereby ADOPTED, APPROVED and AFFIRMED;

(2) Petitioner's May 1, 2006 pleading, which is construed as a motion to dismiss Petitioner's claim that his sentence is excessive in violation of the Eight Amendment (Doc. No. 24), be and the same is hereby GRANTED; and

(3) Petitioner's remaining claim regarding whether he knowingly, intelligently and voluntarily waived his Sixth Amendment right to counsel be and the same is hereby REFERRED back to the Magistrate Judge for further proceedings.

DONE this 22nd day of May, 2006.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE